

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

VICTORIA TOUSSAINT-HILL,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 07-CV-179 GKF/SAJ
)	
MONTEREAU IN WARREN WOODS, KELLY)	
VANDEVER, LARRY LEBOLD, and)	
MARLENE CATO,)	
)	
Defendants.)	
)	
)	

OPINION AND ORDER

Comes on for determination Plaintiff's Motion to Compel Discovery [Dkt. # 20]. Hearing was held on September 25, 2007, following which the court took under advisement the motion as it related to the issues raised in Interrogatory # 18 and Requests for Production #'s 1, 2 and 4. Defendant Montereau was directed to file supplemental brief on those issues which has been filed. The court, having considered the briefs and argument of the parties, hereby finds as follows.

In regard to Interrogatory # 18, the Motion to Compel is granted in part and denied in part. Oklahoma law requires the production of financial information where a request for punitive damages is pled. *See Heartland Surgical Specialty Hospital, LLC v. Midwest Division, Inc.*, 2007 WL 950282 (D.Kan. March 25, 2007). However the court finds production of this financial information is appropriate only after a dispositive ruling on the issue of punitive damages. Should the court allow the claim for punitive damages to proceed, Defendant is directed to produce to Plaintiff one balance sheet showing net worth

for the year 2006 within 20 days of the court's order allowing Plaintiff's punitive damages claim to proceed.

In regard to Requests for Production #'s 1, 2 and 4, the Motion to Compel is denied. Plaintiff has not demonstrated that the statistical information would permit any inference of discrimination directed toward the Plaintiff. The court finds the probative value of such evidence is minimal compared to the cost of production. Defendant has voluntarily produced the information as it relates to Plaintiff's work unit.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel Discovery [Dkt. # 20] is granted in part and denied in part as set forth herein.

DATED THIS 29TH DAY OF OCTOBER, 2007.


Sam A. Joyner
United States Magistrate Judge